



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Re:** Patent Application for Dornelas      **Date:** December 2, 2002  
**Serial** 09/578,194      **Art Unit:** 1635      **RF** *RECEIVED*  
**No.:**  
**Filed:** 05/24/00      **Examiner** Schmidt, M *TECH CENTER*  
:  
**For:** Modulation of Storage Organs      **Action:** AMENDMENT

To: The Commissioner of Patents and Trademarks, Washington, DC 20231

The Examiner on Page 3 of the office action indicated that the administration of the sense sequence would not have the same effect as the administration of the antisense sequence, and thus the administration of the two sequences were independent inventions. The applicant notes that the Examiner indicates that the elected invention is an ASK Dzeta antisense in *Arabidopsis*.

The applicant has submitted a petition from the restriction requirement in light of the MPEP states that up to 10 sequences can be claimed in a single application and in light of the fact that the Applicant does not believe that a restriction to a plant on which the process is to be performed is a specie type of restriction. The Applicant believes that the process as claimed to use on plant material is a single invention as the process does not (in spite of the Examiner's suggestion) have to be altered to employ different plant species (see page 7 lines 11-13).

The Examiner indicated that claim 20 depended from itself, the applicant has amended claim 20 to depend from claim 13. This amendment also overcomes the rejection to claims 20 and 21 based on 35 U.S.C. § 112.

The Examiner then indicates that the applicant has only the 300 base pairs for the antisense. But in fact the applicant has clearly described and indicated that 150-350 base pairs can be useful. Thus claim one has been amended to include the limitation of at 150 - 350 base pairs. Claim two has been amended to include the 300 base pair reference.

The Examiner has indicated that claims 1-16 and 22-24 are rejected under 35 USC § 112 first paragraph, because the specification is not enabled for production of any modified development. The Applicant points out that it is not claimed that broadly and in fact the claims are to the embryo modification. But in light of the Examiner's suggestion the claims have been further defined to include the modification of the cotyledons in both claim 1 and claim 24. Thus the applicant requests that the Examiner remove this rejection. Claim 2 has been amended to reflect the 300 base pairs and reference to embryo abortion is gone.

The claims 17-19 were rejected under 35USC§103. The claims were not believed to be obvious but the applicant has in light of a compact prosecution removed these claims without prejudice to their being reinstated. The deletion of claims 17-19 is believed to place the application and its claims in a condition for allowance. If the Examiner sees in reason to have further interview with the Applicant's attorney on these matters prior to the next action please call the applicant's attorney at the number listed below.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that attached is a postcard and amendment with marked claims and unmarked claims which being deposited on December 2, 2002 and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

*Dana Rewoldt*

09/578,194 DANA REWOLDT